

MERIDIAN DEVELOPMENT SERVICES, INC.

Land Development, Engineering, Surveying & Construction Services

P.O. Box 610, Arlington, Nebraska 68002

Office: (402) 478-5367

Fax: (402) 478-5388

Email: meridian@huntel.net

January 18, 2005

Agenda Item #

146

Date

2-2-05

Jean Andrews
Dodge County Zoning Administrator
Courthouse 435 N. Park
Fremont, Nebraska 68026-1266

RE: Lux Sand & Gravel Conditional Use Permit
Section 11, Township 17 North, Range 5 East
Dodge County, Nebraska

Dear Mrs. Andrews:

It is my understanding that the Lux Sand & Gravel Company has made an application with your office for a conditional use permit, which will allow the extraction of sand and gravel, for commercial purposes, from the following described parcel:

The Northwest Quarter of the Southeast Quarter and that part of the Southwest Quarter of the Northeast Quarter lying south of the Union Pacific Railroad Right-of-way, all in Section 11, Township 17 North, Range 5 East of the Sixth P.M., containing approximately 64.2 acres, more or less

I have reviewed Section 2.9 "Conditional Uses" of Article 20 "PR Platte River Corridor District". The following comments are in response to Items "A" through "G" of Section 2.9:

A. *The application shall include a grading map showing existing contours, proposed excavation contours, and the proposed final grade contours.*

A copy of the North Bend topoquad is attached, with the limits of this property outlined. This map shows the existing contours of the subject property. The ground water surface is believed to be approximately 5 to 6 feet below the existing ground surface. The final depth of the dredging will vary depending on the quality and location of the gravel deposits, so

proposed or final contours cannot accurately be shown at this time. The areas around the lake created by this dredging operation will be filled approximately 8 feet above the existing grade.

B. *The application shall include a statement identifying the effect on the groundwater table of the adjoining properties.*

The Lux Sand & Gravel Company has stated that the all of the groundwater that is consumed by the dredging operation will be discharged back into their lake. Since the groundwater affected by this operation will be returned there should be little to no change to the groundwater table of the adjacent properties. There are a number of other dredging operations currently active in this area (i.e., Riverview Shores and Pioneer Lake). To my knowledge they are using the same dredging procedure, with no negative effects to the groundwater table of the adjacent properties.

C. *The application shall identify the location of proposed vehicle and equipment storage areas, erosion controls, including retention and sediment basins during extraction to prevent a change in the character runoff onto adjacent land.*

The location of the vehicle and equipment storage areas will likely change, as the dredging operation progresses. The Lux Sand & Gravel Company will build a berm around the perimeter of the area to be dredged. This will contain the runoff created by the dredging and prevent it from entering any of the adjacent properties. The berm will serve as the primary erosion control devise. The existing drainage-way that runs generally west to east across the southern half of the subject property will remain unchanged, so not to alter the character of the existing drainage pattern.

D. *Topsoil shall be collected and stored for redistribution on the site at the termination of the operation.*

The Lux Sand & Gravel Company will need to respond to this item.

E. *Excavation shall be conducted in such a way as not to constitute a hazard to any person, nor to the adjoining property. All cuts shall be returned to slope of less than three to one (3-1) as soon as possible.*

The Lux Sand & Gravel Company will need to regrade the perimeter of the areas dredged, from time to time, to minimize the potential for accidental cave-ins.

F. *Materials excavated shall not be stored within a designated floodway.*

This property is not located within the designated floodway. This property is currently located within an "AO" Flood Hazard Zone, with a depth factor of 2 feet.

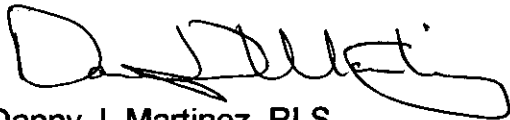
G. *Within nine (9) months after the completion of extraction of any portion of the site, the topography and soils shall be restored and stabilized, and the land shall be graded, seeded or sodded so as to prevent erosion and siltation, and to protect the health, safety, and general welfare of the public.*

The Lux Sand & Gravel Company will need to respond to this item.

I have also enclosed a copy of a plat showing the subject property in relation to the Riverview Shores development.

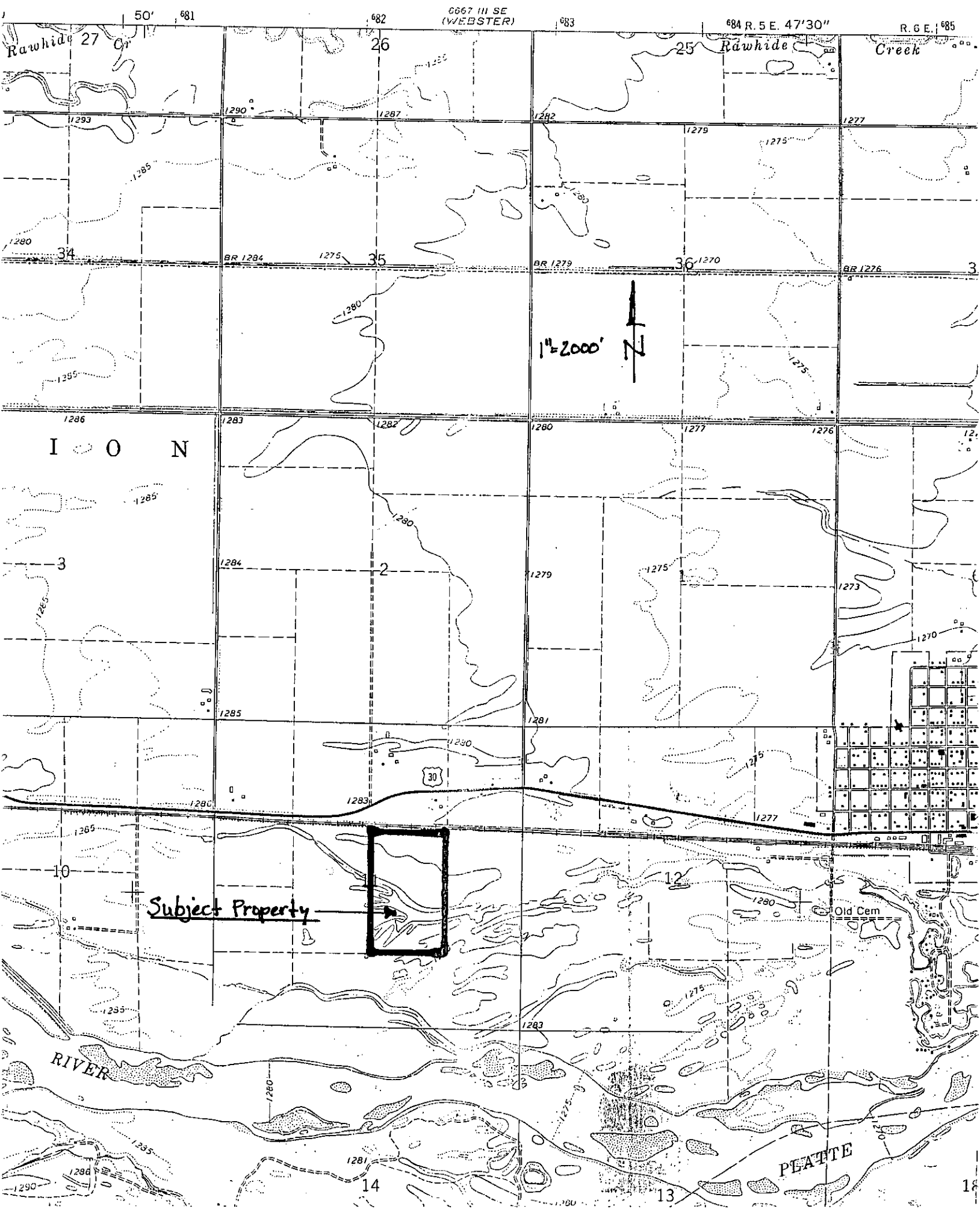
If you have any questions or comments, please feel free to contact me.

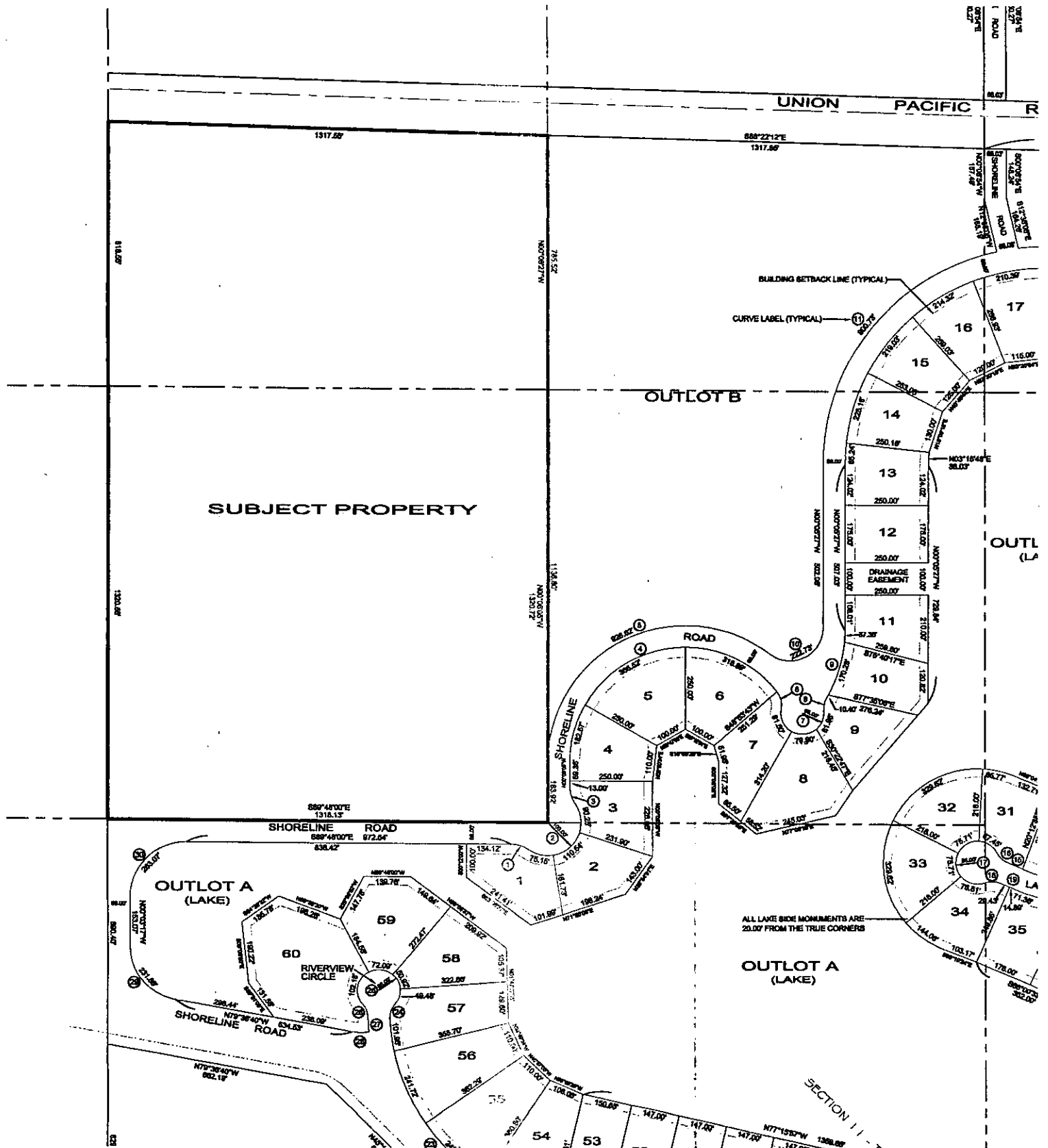
Sincerely,

A handwritten signature in black ink, appearing to read 'Danny J. Martinez', with a stylized, cursive script.

Danny J. Martinez, RLS

Cc: Dean Lux





DODGE COUNTY
BUILDING INSPECTION
AND
ZONING ADMINISTRATION

GERALD W. ANDERSON
Building Inspector

Courthouse
435 N. Park, Room 204
Fremont, Nebraska 68025
Phone: (402) 727-2724

JEAN ANDREWS
Zoning Administrator

January 7, 2005


Dean Lux
Lux Sand & Gravel Co.
P.O. Box 533
North Bend, NE 68649

Good Day:

Just a reminder, I have not received the statement identifying the effect on the groundwater table of the adjoining properties. I have enclosed a copy of the regulations regarding your conditional use request for your information to prepare you for the planning commission meeting on January 18th.

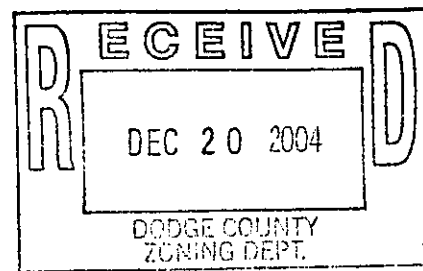
Again, if you have any questions, please feel free to contact me.

Thank you.


Jean Andrews,
Dodge County Zoning Administrator

Enclosures
Cc: File

APPLICATION FOR CONDITIONAL USE
Dodge County, Nebraska



Date 11-12-04
Property Owner's Name Lux SAND & GRAVEL
Address: PO Box 333
Phone No. 402-652-8770 (Home) 402-720-6910 (Work)

Pursuant to the Dodge County Zoning Regulations, application is hereby made for the following proposed use of property or structure: MINING OF SAND & GRAVEL

Section Se 11 Township Union Range 5 Lot No. _____
Location within Section Middle Lot Size Approx. (Sq.Ft./Acres)
Estimated Cost of Structure/Use \$ _____ Zoning District PR-1

Will use in all other respects conform to the applicable regulations of the district in which it is located? YES

Will use conform to all other applicable regulations and laws of any governmental jurisdiction? YES

How are Adjoining Properties Used (Actual Use)

North FARMING South LAKE DEVELOPMENT
East LAKE DEVELOPMENT West PASTURE

Justification

You must justify your request. Questions 1 through 4 must be answered completely.

1. What is the general character of the area? Describe.
Ag
2. Can soil conditions support the proposed development? What is the soil classification of the area? N/A
3. Will use have adequate water, sewer and drainage facilities (approved by the Dodge County Board of Health, Dodge County Board of Supervisors, and the State of Nebraska Department of Health)? N/A
4. Will ingress and egress be so designed as to minimize traffic congestion in the public streets/roads? YES How will the proposed Zoning District affect traffic in the area? Will streets or roads need to be updated for access to the area? If yes, what will the requirements be? NO

Enclosed:

Site Plan YES Soil Suitability Map N/A Easements N/A YES
Conditions and requirements pending approval of application for a proposed operation and waste disposal plan from the DEQ or other applicable State Agency N/A

If Exhibits are furnished, please describe and enumerate. (Furnish Plot or Site Plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.)

Application Fee of \$ 50⁰⁰ is Non-Refundable.

The Zoning Administrator or Building Inspector, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

In consideration of the issuance of this Certificate, the applicant hereby certifies that the information in this application is true and correct, and hereby certifies that compliance with the zoning, subdivision and floodplain regulations which are in effect have been met.

Applicant's Signature [Signature] Mailing Address PO Box 333
NORTH BEND NE 68649

OFFICE USE ONLY

PERMIT NO. 05-01

Permit when issued is Transferrable/Transferrable Upon Renewal

Date 1-18-05 Approved _____
Approved with Added Conditions _____
Disapproved _____

Chair, Dodge County Planning Comm

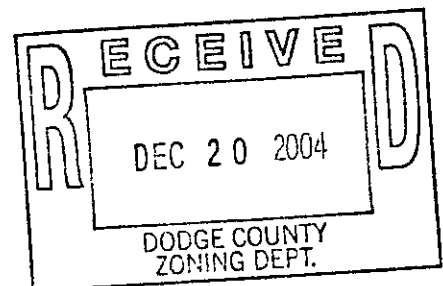
Date _____ Approved _____
Approved with Added Conditions _____
Disapproved _____

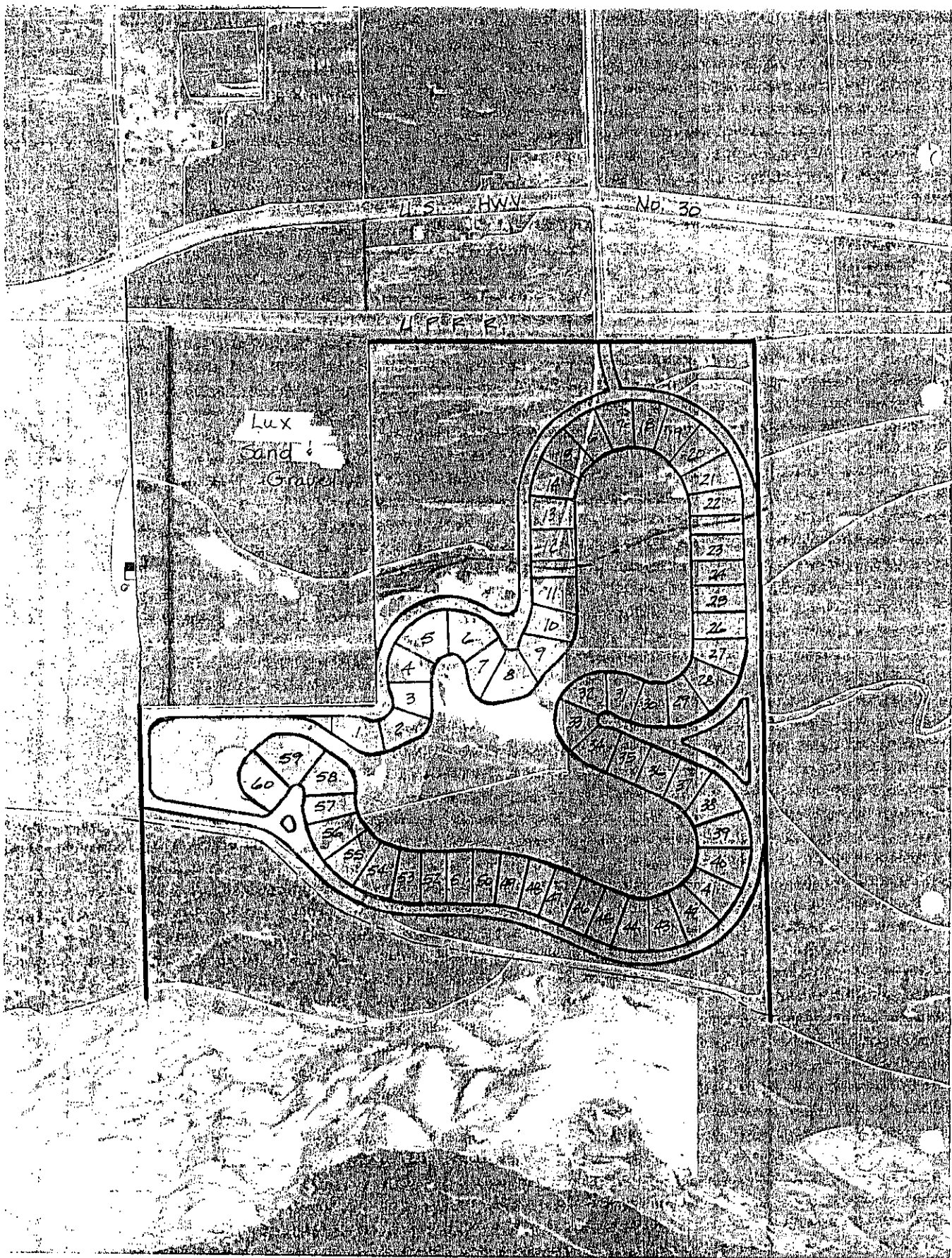
Chair, Dodge County Board of Comm

____ See attachment for added conditions.

ATTEST _____
Dodge County Clerk

Dated this _____ day of _____ 20__





DODGE COUNTY
BUILDING INSPECTION
AND
ZONING ADMINISTRATION

GERALD W. ANDERSON
Building Inspector

Courthouse
435 N. Park, Room 204
Fremont, Nebraska 68025
Phone: (402) 727-2724

JEAN ANDREWS
Zoning Administrator

January 7, 2005

Dear Property Owner:

You are hereby notified that the Dodge County Planning Commission will hold a public hearing at 7:30 P.M., January 18, 2005 in the Board of Supervisors to consider the request of Dean Lux dba Lux Sand & Gravel of P.O. Box 333, North Bend, NE 68649 to obtain a Conditional Use Permit to extract sand and gravel as per Article 20, Section 2. Conditional Uses Section 2.9 located in NE 1/4 Section 11, Township 17 North, Range 5 East in Union Township, Zoning District PR-1, Platte River Corridor.

The Dodge County Planning Commission will hold a public hearing on this matter at 7:30 P.M., Tuesday, January 18, 2005 in the Board of Supervisors Room, Third Floor of the Courthouse, Fremont, NE. Since your property adjoins the property requesting the conditional use request, it is a requirement that we notify you of such hearing.

If you have any objections or comments of this proposal, please send them in writing to this office or appear at the meeting and express them verbally.

Thank you,



Jean Andrews,
Dodge County Zoning Administrator

Cc: File

DODGE COUNTY TITLE & ESCROW CO., LLC
630 North "D" Street
Fremont, NE 68025-5083
(402) 721-5833
(402) 721-8632(fax)

Date: January 03, 2005

Invoice #: 4854

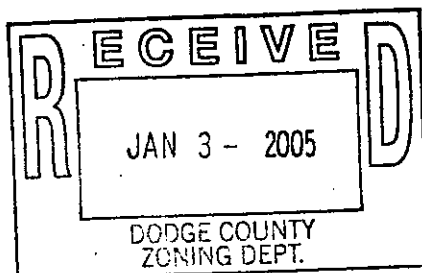
Reference: 04-1270S

To: Lux, Dean
P.O. Box 333
North Bend, NE 68649

Attn:

Legal: Pt of E 1/2 Section: 11 Township: 17 Range: 5

DEBIT DESCRIPTION	DEBIT	PAID	CREDIT DESCRIPTION	CREDIT	BALANCE
LUX SAND & GRAVEL					\$0.00
Perform a Zoning Search					\$0.00
4 names @ \$10.00 each	\$40.00				\$40.00
TOTALS:	\$40.00	\$0.00		\$0.00	\$40.00



DODGE COUNTY TITLE & ESCROW CO.
630 NORTH 'D' STREET,
FREMONT, NE 68025 402-721-5833

NAME AND ADDRESS SEARCH

Request Made By: **Dean Lux**
P.O. Box 333
North Bend, NE 68649

We, **DODGE COUNTY TITLE & ESCROW CO., L.L.C.**, hereby certify that we have checked the records of the County Assessor of Dodge County, Nebraska, for the purpose of presenting a list to the Zoning Administrator of said County and find the following named persons are the property owners of land adjoining the property described as:

**The Northwest Quarter of the Southeast Quarter and Tax Lots 10 and 11
in Section 11, Township 17 North, Range 5, East of the 6th P.M., in Dodge
County, Nebraska.**

The list of names and addresses include all property owners within 300/1000 feet of said property:

West - E 1/2 SW 1/4 & TXL's 8 & 9 11-17-5	3801 Harney LLC 480 Branched Oak Road Davey, NE 68336
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North & Northwest - Tax Lots 7 & 12 11-17-5	BEG, LLC 2123 Mullen Road Omaha, NE 68124
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Northeast & East - Tax Lots 14 & 15 11-17-5	Michael Hamata %Edna Hamata 7724 Apperson Street Tujunga, CA 91402
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East, Southeast & South - E 1/2 SW1/4, SW 1/4 SE 1/4 & TXL 3 - 11-17-5	Riverview Shores Development 1920 N. Locust Wahoo, NE 68066
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The liability of Dodge County Title & Escrow Co. is limited to the information available in the office of the County Assessor and in no way extends to the correctness of the fee simple title to subject property. A certified search of the records or a Title Insurance Policy would be required to assure the fee simple ownership and any existing liens.

Dated : December 30, 2004

DODGE COUNTY TITLE & ESCROW CO., L.L.C.



**Registered Abstractor
Certificate No. 147**